

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

	)	
DARCY G. MCMENAMIN and	)	
GERARDO A. PORTILLO,	)	
	)	C.A. No. 20-10644-WGY
Petitioners,	)	
	)	
v.	)	
	)	
STEVEN J. SOUZA,	)	
	)	
Respondent.	)	
	)	

## STATUS REPORT

Counsel for petitioners Darcy G. McMenamin and Gerardo A. Portillo respectfully note that it appears that Mr. Portillo has not been considered for release under the class process in the *Savino* class action. Further, it appears that class counsel do not anticipate that he will be. *See* Class Counsel Brief (Docket No. 104) at 2 & n.3, *Savino v. Souza*, C.A. No. 20-10617 (D. Mass.) (listing remaining people to be considered through the ongoing class process). Mr. Portillo remains detained; the government has not shown any willingness to release him voluntarily.

Accordingly, Petitioners’ counsel respectfully suggests that, as to Mr. Portillo, this matter is ripe for the Court’s consideration, either on the ultimate merits of the petition, or as a question of interim release under *Mapp v. Reno*. See Reply Mem. (D.E. 35) at 7-8; *Savino v. Souza*, No. 20-106172020 WL 1703844, at \*8-9 (D. Mass. May 8, 2020).

Attached hereto as Exhibit A is a letter from Mr. Portillo's medical provider confirming his elevated risk for severe illness or death from COVID-19. Counsel understand that a

symptomatic detainee in Mr. Portillo's unit was recently tested for COVID-19. *See* Class Counsel Brief (Docket No. 100), *Savino*, at 3. Counsel respectfully suggest that immediate action to protect Mr. Portillo's health and safety is necessary and appropriate, particularly where the Immigration Court has already determined that he should be released permanently into the community.

Dated: April 21, 2020

Respectfully submitted,

/s/ Daniel L. McFadden

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